IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

STATE OF MISSOURI,

Respondent,

v.

DANIAL MORGAN RINEHART,

Appellant.

DOCKET NUMBER WD72587

MISSOURI COURT OF APPEALS WESTERN DISTRICT

DATE: November 13, 2012

APPEAL FROM

The Circuit Court of Cass County, Missouri The Honorable Jacqueline A. Cook, Judge

JUDGES

Division Two: Hardwick, P.J., and Smart and Mitchell, JJ.

CONCURRING.

ATTORNEYS

Chris Koster, Attorney General Karen L. Kramer, Assistant Attorney General Jefferson City, MO

Attorneys for Respondent,

Samuel Buffaloe, Assistant Public Defender Columbia, MO

Attorney for Appellant.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI,)
Respondent, v. DANIAL MORGAN RINEHART,	OPINION FILED: November 13, 2012
Appellant.)
WD72587	Cass County

Before Division Two Judges: Lisa White Hardwick, Presiding Judge, and

James M. Smart, Jr., and Karen King Mitchell, Judges

Danial Rinehart began having an incestuous relationship with his daughter, A.R., when she was five years old. He fathered four children with A.R. Rinehart and A.R.'s third child, Jack, who suffered from health problems throughout his life, died when he was three months old. Although he was aware of Jack's symptoms, Rinehart obtained no medical care for Jack. Rinehart was convicted by a jury of murder in the second degree (felony murder), child endangerment in the first degree, two counts of incest, and two counts of abandonment of a corpse. On appeal, Rinehart argues that the trial court erred in denying his motions for acquittal of the crimes of felony murder and the predicate felony of child endangerment because there was insufficient evidence that he "knew" he was creating a substantial risk to Jack's life, body, or health: an element of child endangerment.

AFFIRMED.

Division Two holds:

The evidence is sufficient to support the jury's finding that Rinehart knowingly created a substantial risk to Jack's life, body, or health by failing to obtain any medical care for the child. The judgment is affirmed.

Opinion by: Karen King Mitchell, Judge

November 13, 2012

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